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AMENDMENTS TO LB 480

(Amendments to Standing Committee amendments, AM0802)

1                   1. Insert the following new sections:

2                   "Sec. 11. Section 71-5712, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4                   71-5712. Any person who violates ~~section 71-5707~~ the  
5 Nebraska Clean Indoor Air Act shall be guilty of a Class V  
6 misdemeanor.

7                   Sec. 12. Section 77-2602, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9                   77-2602. (1) Every person engaged in distributing or  
10 selling cigarettes at wholesale in this state shall pay to the Tax  
11 Commissioner of this state a special privilege tax. This shall be  
12 in addition to all other taxes. It shall be paid prior to or at  
13 the time of the sale, gift, or delivery to the retail dealer in the  
14 several amounts as follows: On each package of cigarettes  
15 containing not more than twenty cigarettes, sixty-four cents per  
16 package; and on packages containing more than twenty cigarettes,  
17 the same tax as provided on packages containing not more than  
18 twenty cigarettes for the first twenty cigarettes in each package  
19 and a tax of one-twentieth of the tax on the first twenty  
20 cigarettes on each cigarette in excess of twenty cigarettes in each  
21 package.

22                   (2) Commencing July 1, 1994, and continuing until October  
23 1, 2004, the State Treasurer shall place the equivalent of

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1    twenty-one cents of such tax in the General Fund. Commencing  
2    October 1, 2004, the State Treasurer shall place the equivalent of  
3    forty-nine cents of such tax in the General Fund. The State  
4    Treasurer shall reduce the amount placed in the General Fund under  
5    this subsection by the amount prescribed in subdivision (3)(d) of  
6    this section. For purposes of this section, the equivalent of a  
7    specified number of cents of the tax shall mean that portion of the  
8    proceeds of the tax equal to the specified number divided by the  
9    tax rate per package of cigarettes containing not more than twenty  
10    cigarettes.

11            (3) The State Treasurer shall distribute the remaining  
12    proceeds of such tax in the following order:

13            (a) First, beginning July 1, 1980, the State Treasurer  
14    shall place the equivalent of one cent of such tax in the Nebraska  
15    Outdoor Recreation Development Cash Fund. For fiscal year  
16    distributions occurring after FY1998-99, the distribution under  
17    this subdivision shall not be less than the amount distributed  
18    under this subdivision for FY1997-98. Any money needed to increase  
19    the amount distributed under this subdivision to the FY1997-98  
20    amount shall reduce the distribution to the General Fund;

21            (b) Second, beginning July 1, 1993, the State Treasurer  
22    shall place the equivalent of three cents of such tax in the  
23    Department of Health and Human Services Finance and Support Cash  
24    Fund to carry out sections 81-637 to 81-640. For fiscal year  
25    distributions occurring after FY1998-99, the distribution under  
26    this subdivision shall not be less than the amount distributed  
27    under this subdivision for FY1997-98. Any money needed to increase

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1 the amount distributed under this subdivision to the FY1997-98  
2 amount shall reduce the distribution to the General Fund;

3 (c) Third, beginning July 1, 2001, and continuing until  
4 October 1, 2002, the State Treasurer shall place the equivalent of  
5 five cents of such tax in the Building Renewal Allocation Fund.  
6 Beginning October 1, 2002, and continuing until all the purposes of  
7 the Deferred Building Renewal Act have been fulfilled, the State  
8 Treasurer shall place the equivalent of seven cents of such tax in  
9 the Building Renewal Allocation Fund. The Legislature shall  
10 appropriate each fiscal year all sums inuring to the fund, plus  
11 interest earnings, for the Task Force for Building Renewal to be  
12 used to carry out its duties and to fulfill the purposes of the  
13 Deferred Building Renewal Act. Unexpended balances existing at the  
14 end of each fiscal year shall be, and are hereby, reappropriated.  
15 The distribution under this subdivision shall not be less than the  
16 amount distributed under this subdivision for FY1997-98. Any money  
17 needed to increase the amount distributed under this subdivision to  
18 the FY1997-98 amount shall reduce the distribution to the General  
19 Fund;

20 (d) Fourth, beginning July 1, 1994, and continuing until  
21 July 1, 2003, the State Treasurer shall place in the Municipal  
22 Infrastructure Redevelopment Fund the sum of three million dollars  
23 each fiscal year to carry out the Municipal Infrastructure  
24 Redevelopment Fund Act. Commencing July 1, 2003, and continuing  
25 until July 1, 2005, the State Treasurer shall place in such fund  
26 the sum of five hundred twenty thousand dollars each fiscal year to  
27 carry out the act. Commencing July 1, 2005, and continuing until

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1 July 1, 2009, the State Treasurer shall place in such fund the sum  
2 of three million dollars each fiscal year to carry out the act.  
3 The Legislature shall appropriate the sum of five hundred twenty  
4 thousand dollars each year for fiscal years 2003-04 and 2004-05.  
5 The Legislature shall appropriate the sum of three million dollars  
6 each year for fiscal year 2005-06 through fiscal year 2008-09;

7 (e) Fifth, beginning July 1, 2001, the State Treasurer  
8 shall place the equivalent of two cents of such tax in the  
9 Information Technology Infrastructure Fund;

10 (f) Sixth, beginning July 1, 2001, and continuing until  
11 June 30, 2016, the State Treasurer shall place one million dollars  
12 each fiscal year in the City of the Primary Class Development Fund.  
13 If necessary, the State Treasurer shall reduce the distribution of  
14 tax proceeds to the General Fund pursuant to subsection (2) of this  
15 section by such amount required to fulfill the one million dollars  
16 to be distributed pursuant to this subdivision;

17 (g) Seventh, beginning July 1, 2001, and continuing until  
18 June 30, 2016, the State Treasurer shall place one million five  
19 hundred thousand dollars each fiscal year in the City of the  
20 Metropolitan Class Development Fund, except that the State  
21 Treasurer shall not place such amount in such fund if a city of the  
22 metropolitan class has established an ordinance described in  
23 subdivision (2) of section 71-5702. If necessary, the State  
24 Treasurer shall reduce the distribution of tax proceeds to the  
25 General Fund pursuant to subsection (2) of this section by such  
26 amount required to fulfill the one million five hundred thousand  
27 dollars to be distributed pursuant to this subdivision; and

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1           (h) Eighth, beginning October 1, 2002, and continuing  
2 until October 1, 2004, the State Treasurer shall place the  
3 equivalent of twenty-eight cents of such tax in the Cash Reserve  
4 Fund.

5           (4) If, after distributing the proceeds of such tax  
6 pursuant to subsections (2) and (3) of this section, any proceeds  
7 of such tax remain, the State Treasurer shall place such remainder  
8 in the Nebraska Capital Construction Fund.

9           (5) The Legislature hereby finds and determines that the  
10 projects funded from the Municipal Infrastructure Redevelopment  
11 Fund and the Building Renewal Allocation Fund are of critical  
12 importance to the State of Nebraska. It is the intent of the  
13 Legislature that the allocations and appropriations made by the  
14 Legislature to such funds or, in the case of allocations for the  
15 Municipal Infrastructure Redevelopment Fund, to the particular  
16 municipality's account not be reduced until all contracts and  
17 securities relating to the construction and financing of the  
18 projects or portions of the projects funded from such funds or  
19 accounts of such funds are completed or paid or, in the case of the  
20 Municipal Infrastructure Redevelopment Fund, the earlier of such  
21 date or July 1, 2009, and that until such time any reductions in  
22 the cigarette tax rate made by the Legislature shall be  
23 simultaneously accompanied by equivalent reductions in the amount  
24 dedicated to the General Fund from cigarette tax revenue. ~~Any~~  
25 Allocations and appropriations for the Municipal Infrastructure  
26 Redevelopment Fund to a particular municipality's account shall be  
27 reduced if the municipality has established an ordinance described

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1 in subdivision (2) of section 71-5702. Except as provided in  
2 subsection (6) of this section, any provision made by the  
3 Legislature for distribution of the proceeds of the cigarette tax  
4 for projects or programs other than those to (a) the General Fund,  
5 (b) the Nebraska Outdoor Recreation Development Cash Fund, (c) the  
6 Department of Health and Human Services Finance and Support Cash  
7 Fund, (d) the Municipal Infrastructure Redevelopment Fund, (e) the  
8 Building Renewal Allocation Fund, (f) the Information Technology  
9 Infrastructure Fund, (g) the City of the Primary Class Development  
10 Fund, (h) the City of the Metropolitan Class Development Fund, and  
11 (i) the Cash Reserve Fund shall not be made a higher priority than  
12 or an equal priority to any of the programs or projects specified  
13 in subdivisions (a) through (i) of this subsection.

14 (6) Any reduction in the account of a particular  
15 municipality described in subsection (5) of this section shall be  
16 transferred to the Rural Development Cash Fund.

17 Sec. 13. Section 81-3603, Revised Statutes Supplement,  
18 2004, is amended to read:

19 81-3603. The Rural Development Commission shall:

20 (1) Focus attention on and increase awareness of the  
21 opportunities and needs of rural Nebraskans;

22 (2) Advocate for rural Nebraska by proposing solutions to  
23 rural challenges;

24 (3) Strengthen community sustainability and growth in  
25 rural Nebraska through increased community-based wealth creation,  
26 expanded economic opportunity, and improved quality of life;

27 (4) Stimulate rural development innovation and foster

1 information transfer to, from, and within rural Nebraska;

2 (5) Encourage and support continuity, coordination, and  
3 cooperation among national, state, multicomunity, and local rural  
4 development initiatives and service providers;

5 (6) Ensure that rural Nebraskans are afforded the  
6 opportunity to determine rural Nebraska's development agenda;

7 (7) Serve as an advisory body to the Governor, state  
8 agencies, and the Legislature on rural development issues;

9 (8) Establish an information clearinghouse on rural  
10 challenges and needs, development services, model initiatives,  
11 available resources, and service providers;

12 (9) Foster community-based development initiatives  
13 through multicomunity partnerships;

14 (10) Support strategic planning and research for and  
15 evaluation of rural development initiatives and service providers  
16 by administering the Nebraska Development Network Program;

17 (11) Serve as Nebraska's rural development council within  
18 the meaning of the National Rural Development Partnership by  
19 providing inventories, reports, assessments, and implementation  
20 plans as appropriate; ~~and~~

21 (12) Participate in the Partnership for Rural Nebraska;  
22 and

23 (13) If sufficient funds are available as determined by  
24 the commission, establish a grant program to assist rural  
25 development initiatives and economic opportunities.

26 Sec. 14. Section 81-3606, Revised Statutes Supplement,  
27 2004, is amended to read:

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1               81-3606. There is hereby created the Rural Development  
2 Cash Fund which shall be used by the Rural Development Commission  
3 for the purposes of sections 81-3601 to 81-3605. Money credited to  
4 the fund shall include any monetary gifts, grants, and donations,  
5 proceeds from contracts for services, and reimbursements of  
6 expenses. Money credited to the fund may include tobacco proceeds  
7 transferred from the Municipal Infrastructure Redevelopment Fund  
8 pursuant to subsection (6) of section 77-2602. Any grant funds  
9 under the National Rural Development Partnership received by the  
10 State of Nebraska from the United States Department of Agriculture  
11 shall be allocated to the commission. Any money in the fund  
12 available for investment shall be invested by the state investment  
13 officer pursuant to the Nebraska Capital Expansion Act and the  
14 Nebraska State Funds Investment Act.

15               Sec. 16. Since an emergency exists, this act takes  
16 effect when passed and approved according to law."

17               2. On page 1, line 9, after the period insert "(1)"; and  
18 strike beginning with "Nothing" in line 13 through line 17 and  
19 insert the following:

20               "(2) (a) Nothing in the act shall be construed to restrict  
21 or prohibit a governing body of a county, city, or village from  
22 establishing and enforcing ordinances at least as stringent as, or  
23 more stringent than, the provisions of the Nebraska Clean Indoor  
24 Air Act.

25               (b) Notwithstanding any provision of section 77-2602 to  
26 the contrary, any county, city, or village having an ordinance more  
27 stringent than the provisions of the Nebraska Clean Indoor Air Act

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1 shall not be eligible to receive any funds distributed pursuant to  
2 section 77-2602.".

3           3.     On page 5, line 12, strike "shall" and show as  
4 stricken and after the last stricken comma insert "may".

5           4.     On page 6, line 1, strike "and" and after the last  
6 comma insert "71-5712, and 77-2602,"; and in line 2 strike "and  
7 71-5707" and insert ", 71-5707, 81-3603, and 81-3606".

8           5.     Renumber the remaining section accordingly.